

**IN THE DISTRICT COURT
OF THE UNITED STATES
FOR THE MIDDLE DIS-
TRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMER-
ICA

v.

MICHAEL SMITH

CR. NO. 3:06cr031-W

NOTICE OF FORFEITURE

Notice is hereby given that on June 22, 2006, in the case of United States v. Michael Smith, Cr. No. 3:06cr031-W, the United States District Court for the Middle District of Alabama entered a Preliminary Order of Forfeiture condemning and forfeiting the following listed property: One Tanfoglio, F.I.L.I., S.N.C., Model TA76, .22 caliber revolver, serial number D10327.

The foregoing Preliminary Order of Forfeiture having

been entered, the United States hereby gives notice of its intention to dispose of the above listed property in such manner as the Attorney General of the United States may direct. Any persons or entities, other than the defendant named above, having or claiming a legal right, title or interest in any of the aforementioned property must, within thirty (30) days of the final publication of this notice or actual receipt thereof, whichever is earlier, petition the United States District Court for the Middle District of Alabama for a hearing to adjudicate the validity of his/her alleged interest in the property pursuant to Title 21, United States Code, Section 853(n). If a hearing is requested, it shall be held before the Court alone, without a jury. Claimants will bear the burden of

proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a claim under Section 853(n) shall be subject to dismissal without a hearing.

The petitioner shall be signed by the petitioner under penalty of perjury and shall identify the particular property or properties in which the petitioner claims a legal right, title or interest; the nature and extent of the such right, title or interest in each property; the time and circumstances of the petitioner's acquisition of the right, title and interest in each property; and additional facts and documents supporting the petitioner's claim and the relief sought. See Title 21, United States Code, Section 853(n)(3). Corporate persons may only file claims if represented by counsel.

A hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty (30) days of the filing of the petition. The Court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than any of the defendants named above. The petitioner may testify and present evidence and witnesses on his own behalf and cross-examine witnesses who appear at the hearing.

Your petition must be filed with the Office of the Clerk, United States District Court for the Middle District of Alabama, 15 Lee Street, Montgomery, Alabama, 36104, with a copy thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201
(36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
(334) 223-7280.

IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT, TITLE OR INTEREST IN THE ABOVE-DESCRIBED PROPERTY, WITHIN THIRTY (30) DAYS OF THIS NOTICE, OR WITHIN THIRTY (30) DAYS OF THE LAST PUBLICATION OF THIS NOTICE, WHICHEVER IS EARLIER, YOUR RIGHT, TITLE AND INTEREST IN THIS PROPERTY SHALL BE LOST AND FORFEITED TO THE UNITED STATES. THE UNITED STATES THEN SHALL HAVE CLEAR TITLE TO THE PROPERTY HEREIN DESCRIBED AND MAY WARRANT GOOD TITLE TO ANY SUBSEQUENT PURCHASER OR TRANSFEREE.

JESSE SEEROYER, JR.
UNITED STATES
MARSHAL
MIDDLE DISTRICT OF
ALABAMA

(Mont. Ind., Aug. 17, 24 & 31 2006)